

REMARKS

This is in response to the Official Action currently outstanding with regard to the present application, which Official Action the Examiner has designated as being FINAL.

At the outset, Applicants thank the Examiner and his supervisor for the courtesy accorded to their undersigned representative during a telephone interview in the above-identified application on 31 July 2006.

During the course of that interview, it was clarified by the Examiner and his supervisor that the currently outstanding rejection is based upon the interpretation of the Kobayashi and Komuro references that in essence holds that (1) the Kobayashi reference teaches the present invention as set forth in Claims 1 and 18 with the exception that the paper transport apparatus in that reference that is located on the image carrier side of the plane tangent to the image carrier and the transfer roller at the nip therebetween does not direct the paper along a trajectory toward the transfer roller, (2) that the Komuro reference teaches the direction of the paper trajectory from a transport means located on the transfer roller side of a plane tangent to the image carrier and transfer rollers at the nip therebetween is disposed at an angle to that plane generally slanted toward the nip between the transfer roller and the image carrier, and (3) it would be an obvious matter of design choice to substitute the Komuro transfer means into the Kobayashi reference. In addition, the Examiner and his supervisor suggested that it was their belief that Applicants' utilization of the word somewhat ambiguous word "toward" in the currently pending claims tended to make the Kobayashi reference even stronger than the foregoing combination indicates.

Applicants' representative disagreed with the Examiner and his supervisor on the basis that their rejection at the very least failed to recognize that the purpose of the present invention of avoiding damage to the latent image on the image carrier by paper impacting thereagainst is not taught, disclosed or suggested within the four corners of the art relied upon by the Examiner and his supervisor. Further, Applicants' representative indicated that even if the combination proposed by the Examiner and his supervisor were to be made, the resulting structure would not meet the terms of the claims of this application for the reasons explained in Applicants' previous submissions.

Accordingly, no agreement was reached during the course of the telephone interview.

Claims 1-23 were pending in this application at the time of the issuance of the currently outstanding Official Action. The foregoing Amendment proposes the amendment of Claims 1, 3, 4, 5, 6, 7, 8, 9, 12, 17, 18, 19, 21 and 23. Further, the foregoing Amendment does not propose that any claims be added, canceled or withdrawn. Accordingly, in the event that the Examiner grants the entry of the foregoing amendment, Claims 1 and 3-25 as hereinabove amended will constitute the Claims under active prosecution in this application.

More particularly, in the currently outstanding Official Action the Examiner has:

1. Re-acknowledged Applicants' claim for foreign priority under 35 USC §119 (a)-(d) or (f), and reconfirmed the receipt of the required copies of the priority documents by the United States Patent and Trademark Office;
2. Again indicated that the drawings as filed with this application on 4 December 2003 stand accepted;
3. Rejected Claims 1 and 18 under 35 USC §103(a) as being unpatentable over the Kobayashi reference (JP 08-1850630 in view of the Komuro reference (JP 7-319308);
4. Rejected Claims 19-23 under 35 USC §103(a) as being unpatentable over the Kobayashi reference in view of the Komuro reference further in view of Toyama et al. (US Patent No. 6,175,716);
5. Indicated that Claims 2-17 and 24-25 are objected to as being dependent upon a rejected base claim, but that those claims would be allowable if rewritten in independent form including all of the limitations of their respective base claims and any intervening claims.

No further comment regarding items 1-2 above is deemed to be required in these Remarks.

With respect to the remainder of the currently outstanding FINAL Official Action, Applicants by the foregoing Amendment, without prejudice to their right to pursue the foregoing argument in a later filed continuation application, propose that Claims 1 and 18 be amended so as to incorporate the limitations of Claim 2, and that Claim 2 be cancelled, without prejudice, so as to place this application in condition for allowance, or at least in better form for Appeal, as required by 37 CFR 1.116. In addition, Applicants propose amendments to certain of the other claims for the purpose of conforming their dependencies with the amendments of Claims 1 and 18, and also for the purpose of clarifying the phraseology utilized in view of the established antecedent bases therefor in the claims.

Applicants respectfully submit that in the event that the Examiner grants entry to the foregoing Amendment, the rejections summarized in items 3 and 4 above will become moot in view of the Examiner's Statement of Reasons For Allowance found at page 2 of the currently outstanding Official Action. Further, Applicants respectfully submit that in the event that the Examiner grants entry to the foregoing Amendment Claims 1 and 3-25 all will be in condition for allowance as being patentable over the Komuro (JP 7-31908 A) and the Kobayashi (JP 8 - 185063 A) references taken either alone or in combination with one another in view of the failure of those references to teach, disclose or in any way suggest the total combinations of elements of the claims as hereinabove amended to a person of ordinary skill in the art as of the time that the present invention was made.

Applicants submit in the latter regard that when Claim 2 is combined with Claim 18 not only Claim 18, but Claims 19-23 as well, become allowable. Claim 18 is essentially a method of using the apparatus of Claim 1, and Claims 19-23 are directly or indirectly dependent upon Claim 18. Accordingly, Applicants respectfully submit that the allowability of Claims 19-23 is carried by the allowability of amended Claim 18 just as the allowability of claims 3-17 and 24 and 25 is carried by the allowability of amended Claim 1.

For each and all of the foregoing reasons and in view of the foregoing amendment, Applicants respectfully request the Examiner to grant entry to the foregoing Amendment, and reconsider and allow this application on view thereof.

Applicants also believe that additional fees beyond those submitted herewith are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. 04-1105, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

Date: September 15, 2006


SIGNATURE OF PRACTITIONER

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